President : May be. I might have been wrong.

ELECTION TO THE UNIVERSITY SENATE— POINT OF ORDER RE—

Mr. G. Revi Varma : Under Section 27 of Part II of the Legislative Rules, I raise a point of order. Yesterday, certain elections were conducted in this house, under the presidency of Mr. Govindan, the first member in the Panel of Chairmen. Two members from this honourable house are elected to the Senate under Section 10 (a) of Chapter XVI of the University Statutes. Under that Section, the President of the Sri Chitra State Council is empowered to frame rules for the conduct of elections; and under that Section the President has framed rules. On page 125 of the Council Manual, the following occurs :

> "It is hereby notified that the following rules have been framed by the President of the Sri Chitra State Council under Section 10 (a) of Chapter XVI of the Travancore University Statutes, for the election of members from the Council to the Senate of the University :—
>
> "(1) The election of members of the Senate by the Sri Chitra State Council shall ordinarily be conducted during the session of the House on the lines of the election of members of the Public Accounts Committee by the House."

Therefore, the election of the members to the Senate should be conducted on the lines of the elections of the members to the Public Accounts Committee. Rule 79 of the Travancore Legislative Rules prescribes a certain procedure for the election of members to the Public Accounts Committee. I shall read it.

President : That is not necessary, that is admitted.

Mr. G. Revi Varma : There it is stated that the election is to be conducted according to the principle of proportional representation by means of a single transferable vote.....

Mr. K. G. Kunjukrishna Pillai : "Or in such other manner".....

Mr. G. Revi Varma : Yes, I am coming to that. Or in such other manner as is prescribed by the Dewan.

President : Order, order. That has already been prescribed. I think the honourable member knows that. I have stated that all these elections would be held by the *ordinary* system of election by ballot. I said it at the very outset. The principle of proportional representation was tried and there arose a general complaint from the members of both the houses of the Legislature, who sent word to me that they wanted that principle to be given

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up because it produced inequality of results. I also announced a definite departure from the principle of proportional representation in regard to the election of members to the Finance Committee and the Accounts Committee. I have stated that "the elections to the Senate, Finance Committee, Accounts Committee, P. W. D. Advisory Committee and Transport Advisory Committee will take place on Tuesday the 12th September 1944, and the elections to the Economic Development Board and the Food Control Advisory Committee will take place on Wednesday the 13th September 1944. The elections will be held as usual after the business of the day is over, under the Chairmanship of one of the Panel of Chairmen. The ordinary system of voting by ballot will be adopted." Thus, I gave a special ruling on the opening day.

Mr. G. Revi Varma: Even then, I have to place before you, Sir, the following observations. Yesterday, as a result of the system which was followed in the matter of drawing lots, it seems that out of the four candidates, one candidate got ten votes and all the other three candidates, nine votes each. I therefore wish to raise my objection with regard to the manner in which the drawing of lots was conducted by the then President and also in regard to the system followed in eliminating a certain person out of the three. What happened yesterday was that three persons got nine votes each. Their names were written on pieces of paper and the papers folded once and placed one above the other and shown to a clerk for selection of a paper from that. The papers being placed one over the other, naturally the clerk took the topmost one. What naturally ought to have been done was that all the three papers should have been put into the ballot box and the whole thing shuffled and one paper taken out from the ballot box. That is the ordinary rule adopted in the drawing of lots.

Another matter which I wish to point out to you, Sir, is that when there are three persons who get the same number of votes the ordinary procedure to be followed is to eliminate one by drawing lots. Then lots should again be taken and one eliminated from the remaining two. That was not followed yesterday. Therefore, I want a ruling on the matter.

President: Yes, I shall give the ruling. Now, Mr. Govindan, have you anything to say in the matter.

Mr. M. Govindan: Sir, with regard to the first point, I may say here that my honourable friend did not see how it was

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[Mr. M. Govindan.]

taken. I did not place one paper above the other. In fact, all the three papers were placed down and it was from the middle that the clerk took one paper.

With regard to the other point raised, what my honourable friend says is true.

President: Order, order. Now that a point of order has been raised, I shall give a ruling on it generally. There is no doubt that the principle of proportional representation is the one that was originally contemplated, but it was made clear earlier in the course of my remarks, that on account of the objection taken by the honourable members of both the Houses of the Legislature some years ago, that was given up and the ordinary system of voting by ballot adopted. And ever since, I was making announcements at the beginning of every session that the ordinary system of voting by ballot will be adopted. Therefore, there is no irregularity in so far as the system of voting was concerned.

Two other points have been raised by honourable members, firstly, with regard to there having been no shuffling of the voting papers—was there any shuffling ?

Mr. M. Govindan: There was shuffling, but in fact, shuffling was not done inside the box. I did it in my hands.

President: Has the honourable member who raised this objection anything to say on that.

Mr. Govindan: Sir, before that, let me inform you that an objection was raised then about this matter and I gave a ruling that I had shuffled the papers. It was accepted.

President: Very well. If, as a matter of fact, the honourable member actually had his attention drawn to the fact of the absence of shuffling and he had applied his mind to it and given a ruling, honourable members, I am sure, will agree with me in saying that it will be very awkward to deny the matter, which has been accepted by the honourable members, that there was shuffling.

Mr. G. Revi Varma: Sir, I withdraw that remark.

President: Very well. Then with regard to the other point. Of course, I think there was an irregularity, because what ought to have been done in that case, which is rather an unusual one, is that mention should have been made to the honourable members that either a member would be eliminated, or one chosen. I hope it was done.

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Mr. G. Revi Varma : No, Sir.

President : In elections there should be no place for any feeling that there has been any unfairness in the manner in which a person is elected. I consider, therefore, that on the whole, it is best to have the election held over again today I think that is best.

Mr. M. Govindan : Sir, that particular objection was not raised yesterday. But I do not wish.....

Mr. G. Revi Varma : No, Sir, I objected to it yesterday itself.

President : Order, Order, Now recapitulating, let me say this, that there is no substance in the main objection with regard to the ballots or the system of voting, nor is there any objection with regard to the process of shuffling. But there is an objection with regard to the elimination or the adoption of the one vote. I shall therefore direct that after the business of the meeting is over that particular election should be held over again.

Mr G. Revi Varma : Sir, I would suggest one thing more for your consideration. When elections are taking place, I suggest that it would be better for the Legal Remembrancer also to be there.

President : No, no. The Legal Remembrancer has no place to fill in these matters, and he cannot come when an election is being held. It is practically a matter of choice.

Mr. K. G. Narayana Panicker : Is it going to be a re-election in the case of one member alone ?

Mr. K. G. Kunjukrishna Pillai : Sir, there are two points which I may place before the Chair in this connection. Now it is laid down under the University Act (Rule 21) that except in the case of election on the principle of proportional representation the nominee or nominees receiving the highest number of votes shall be declared to be duly elected. When two or more nominees receive an equal number of votes, and they cannot all be declared elected, the final election shall be made by drawing lots.

I also draw the attention of the House to a rule in the Electoral rules. I mean Rule 14 (8). It is stated there. "When an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer". So on the basis of these principles, I may submit to your consideration, Sir,

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[Mr. K. G. Kunjukrishna Pillai]

that supposing there are two or three persons all getting the same number of votes—if lot is drawn the person who gets the lot will be elected.

President: Well, that principle has not been right through applied in regard to elections. I know that there are eliminations taking place.

Mr. K. G. Kunjukrishna Pillai: That is for the Deputy President.....

President: The whole point is this: I ask Mr. Govindan whether he did make it clear that it would be by choice or by elimination. In the casting of lots two systems are known, that is the elimination of certain persons or the choice of persons. I wanted it to be known how this was done. It is only on that point I have a doubt.

Any other honourable member wishing to speak?

Mr. G. Madhavan: Sir, is the election relating to the member, who got a clear majority, also to be conducted again?

President: Let me see the voting results.

Mr. K. G. Kunjukrishna Pillai: The point I want to place before you, Sir, is this: in the absence of any statutory provision for the drawing of lots, that is whether the drwing of lots shall be done in a particular way or not we shall be guided under the University Rules as well as the Electoral Rules now prevalent.

President: Has any such practice taken place in the past?

Mr. K. G. Kunjukrishna Pillai: No, I am not aware of any.

Mr. K. S. Joseph: Sir, when once the President has given a ruling, is it right.....

President: I have myself asked for information on the matter.

Mr. K. G. Kunjukrishna Pillai: Sir, I cannot get any ruling from English cases, because there, casting vote is given in the case of the person presiding. So the system is entirely different so far as we are concerned, there is no previous ruling.

ANSWER TO SHORT NOTICE QUESTION BY MR. N. NARAYANA KURUP.

President: There are one or two other matters to which reference may be made. As regards the short notice question, it came rather late and I shall see that an answer is sent to Mr. Narayana Kurup.

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